

*Hochwolk, S*UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKE*TRADE FINANCIAL CORPORATION and
E*TRADE SECURITIES LLC,

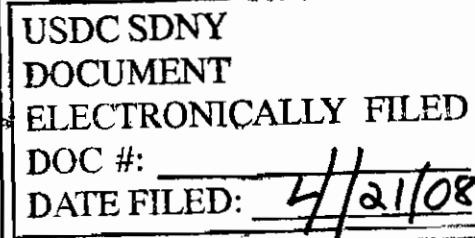
Plaintiffs,

-against-

MARCUS HERNANDEZ,
SEAN J. GAFFEY, and
BANC OF AMERICA INVESTMENT
SERVICES, INC.,

Defendants.

Civil Action No. 08 CV 2993 (RJH)

ORDER TO SHOW CAUSE

UPON the Complaint of the annexed Declaration of Paul Saso, dated April 21, 2008 and exhibits, the Defendants' accompanying Memorandum of Law in Support of Their Motion to Vacate the Preliminary Injunction or, in the Alternative, Increase the Injunction Bond, and good cause having been shown it is hereby,

ORDERED that Plaintiffs E*Trade Financial Corporation and E*Trade Securities LLC,

/ or their attorneys, show cause before this Court, at Room 1950, United States District Court, Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, on April 23, 2008, at 3:00 P.M. or as soon thereafter as counsel may be heard, why an order should not be issued: (a) vacating the preliminary injunction order entered by this Court on April 16, 2008; or in the alternative (b) increasing the bond required of Plaintiffs in the preliminary injunction order; and (c) awarding Defendants Marcus J. Hernandez and Sean J. Gaffey all such other and further relief as the Court deems just and proper; and it is further

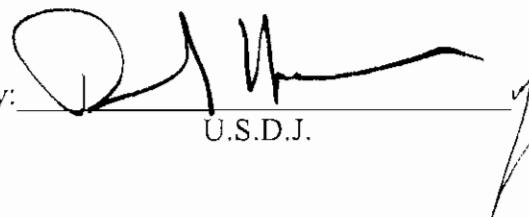
✓ **ORDERED** that papers in opposition to this application, if any, shall be served on Defendants' attorneys and filed with this Court on or before April 22, ^{at 5:00pm} 2008; and it is further

✓ **ORDERED** that papers in reply to any opposition to this application shall be served on Plaintiffs' attorneys and filed with this Court on or before _____, 2008; and it is further

✓ **ORDERED** that service, via electronic filing ECF and via email delivery, of a copy of this order and all papers upon which it was granted upon attorneys for Plaintiffs on or before April 21, ^{at 5:00PM} 2008, shall be deemed good and sufficient service thereof.

Dated: New York, New York
April 21, 2008

ENTERED

By: 
U.S.D.J.